

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-464-MOC-DSC**

SHALAE ELLIS-BARR and BRITTANI)	
THOMPSON (GABRIEL),)	
)
Plaintiffs,)	
)
vs.)	
)
CP/DB HOUSING PARTNERS XIII,)	<u>ORDER</u>
L.P., TESCO PROPERTIES, INC.,)	
MAVIS WILLIAMS and SHAWN)	
LISENBY,)	
)
Defendants.)	
)

THIS MATTER comes before the Court on a Motion to Dismiss filed by Defendant Mavis Williams, (Doc. No. 25), in which Defendant asks this Court to dismiss Plaintiffs' Amended Complaint for failure to state a claim.

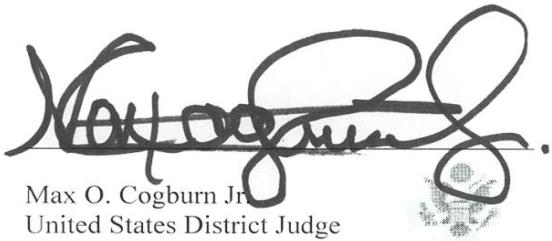
In the response to the motion to dismiss, Plaintiffs agree "at the outset" to "dismiss" some of the claims against Defendant Williams, and Plaintiffs request that this Court allow Plaintiffs to file a Second Amended Complaint.¹ (Doc. No. 29). This Court grants Plaintiffs leave to file a Second Amended Complaint. When the Second Amended Complaint is filed, the motion to dismiss will then be rendered moot. Until then, however, the Court will not rule on the pending motion to dismiss.

IT IS THEREFORE ORDERED that:

- (1) Plaintiffs shall have thirty (30) days in which to file a Second Amended Complaint.

¹ In the Amended Complaint, Plaintiffs assert ten claims against Defendant Williams—five under the federal Fair Housing Act and five under state law. In response to the motion to dismiss, Plaintiffs concede that seven of those claims should be dismissed.

Signed: March 5, 2020



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small circular emblem or seal.

Max O. Cogburn Jr.
United States District Judge